

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against: )**

**JENNY REBECCA HARGROVE, M.D. )**

**Case No. 800-2016-027065**

**Physician's and Surgeon's )  
Certificate No. A 87959 )**

**Respondent )**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 20, 2017.

IT IS SO ORDERED: September 20, 2017.

**MEDICAL BOARD OF CALIFORNIA**



\_\_\_\_\_  
Jamie Wright, J.D., Chair  
Panel A

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 JOSHUA M. TEMPLET  
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7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **JENNY REBECCA HARGROVE, M.D.**  
12 **San Juan Regional Medical Center**  
13 **801 West Maple Street**  
**Farmington, NM 87401**

14 **Physician's and Surgeon's Certificate No. A**  
15 **87959**

16 Respondent.

Case No. 800-2016-027065

OAH No. 2017030909

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
22 of California (Board). She brought this action solely in her official capacity and is represented in  
23 this matter by Xavier Becerra, Attorney General of the State of California, by Joshua M. Templet,  
24 Deputy Attorney General.

25 2. Respondent Jenny Rebecca Hargrove, M.D. (Respondent) is represented in this  
26 proceeding by attorney Courtney E. Pilchman, Pilchman & Kay, PLC, 2030 Main Street, Suite  
27 1300, Irvine, California 92614.  
28

1           3.     On or about July 1, 2004, the Board issued Physician's and Surgeon's Certificate No.  
2     A 87959 to Jenny Rebecca Hargrove, M.D. (Respondent). The certificate expired on  
3     July 31, 2016, and has not been renewed.

4                                   JURISDICTION

5           4.     Accusation No. 800-2016-027065 was filed before the Board, and is currently  
6     pending against Respondent. The Accusation and all other statutorily required documents were  
7     properly served on Respondent on January 17, 2017. Respondent timely filed her Notice of  
8     Defense contesting the Accusation.

9           5.     A copy of Accusation No. 800-2016-027065 is attached as **Exhibit A** and  
10    incorporated herein by reference.

11                               ADVISEMENT AND WAIVERS

12          6.     Respondent has carefully read, fully discussed with counsel, and understands the  
13    charges and allegations in Accusation No. 800-2016-027065. Respondent has also carefully read,  
14    fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
15    Disciplinary Order.

16          7.     Respondent is fully aware of her legal rights in this matter, including the right to a  
17    hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
18    the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
19    to the issuance of subpoenas to compel the attendance of witnesses and the production of  
20    documents; the right to reconsideration and court review of an adverse decision; and all other  
21    rights accorded by the California Administrative Procedure Act and other applicable laws.

22          8.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23    every right set forth above.

24                               CULPABILITY

25          9.     Respondent understands and agrees that the charges and allegations in Accusation  
26    No. 800-2016-027065, if proven at a hearing, constitute cause for imposing discipline upon her  
27    Physician's and Surgeon's Certificate.  
28

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 87959 issued to Respondent Jenny Rebecca Hargrove, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1                   1.     CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent  
2 shall abstain completely from the personal use or possession of controlled substances as defined  
3 in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business  
4 and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does  
5 not apply to medications lawfully prescribed to Respondent by another practitioner for a bona  
6 fide illness or condition.

7             Within 15 calendar days of receiving any lawfully prescribed medications, Respondent  
8 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone  
9 number; medication name, strength, and quantity; and issuing pharmacy name, address, and  
10 telephone number.

11                   2.     ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain  
12 completely from the use of products or beverages containing alcohol.

13                   3.     PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60  
14 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism  
15 program, that meets the requirements of Title 16, California Code of Regulations (CCR) section  
16 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall  
17 provide any information and documents that the program may deem pertinent. Respondent shall  
18 successfully complete the classroom component of the program not later than six (6) months after  
19 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
20 time specified by the program, but no later than one (1) year after attending the classroom  
21 component. The professionalism program shall be at Respondent's expense and shall be in  
22 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

23             A professionalism program taken after the acts that gave rise to the charges in the  
24 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
25 or its designee, be accepted towards the fulfillment of this condition if the program would have  
26 been approved by the Board or its designee had the program been taken after the effective date of  
27 this Decision.

28             Respondent shall submit a certification of successful completion to the Board or its

1 designee not later than 15 calendar days after successfully completing the program or not later  
2 than 15 calendar days after the effective date of the Decision, whichever is later.

3 4. PSYCHIATRIC EVALUATION. At the Board's discretion, and on  
4 whatever periodic basis that may be required by the Board or its designee, Respondent shall  
5 undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary)  
6 by a Board-appointed board certified psychiatrist, who shall consider any information provided  
7 by the Board or its designee and any other information the psychiatrist deems relevant, and shall  
8 furnish a written evaluation report to the Board or its designee. Respondent shall pay the cost of  
9 all psychiatric evaluations and psychological testing.

10 Respondent shall provide the Board with advance notice of her intent to practice in  
11 California. The Board shall have discretion to require Respondent to undergo and complete a  
12 psychiatric evaluation as described above as a condition precedent to her practicing in California.

13 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
14 psychiatrist within 15 calendar days after being notified by the Board or its designee.

15 5. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this  
16 Decision, Respondent shall submit to the Board or its designee for prior approval the name and  
17 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
18 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
19 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
20 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
21 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

22 The psychotherapist shall consider any information provided by the Board or its designee  
23 and any other information the psychotherapist deems relevant and shall furnish a written  
24 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
25 psychotherapist with any information and documents that the psychotherapist may deem  
26 pertinent.

27 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
28 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric

1 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
2 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
3 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
4 period of probation shall be extended until the Board determines that Respondent is mentally fit  
5 to resume the practice of medicine without restrictions.

6 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

7 6. PRACTICE MONITORING. Within 30 calendar days of the effective date  
8 of this Decision, Respondent shall submit to the Board or its designee for prior approval as a  
9 practice monitor, the name and qualifications of one or more licensed physicians and surgeons  
10 whose licenses are valid and in good standing, and who are preferably American Board of  
11 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or  
12 personal relationship with Respondent, or other relationship that could reasonably be expected to  
13 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
14 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
15 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

16 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
17 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
18 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
19 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
20 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
21 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
22 signed statement for approval by the Board or its designee.

23 Within 60 calendar days of the effective date of this Decision, and continuing throughout  
24 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
25 make all records available for immediate inspection and copying on the premises by the monitor  
26 at all times during business hours and shall retain the records for the entire term of probation.

27 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
28 date of this Decision, Respondent shall receive a notification from the Board or its designee to

1 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
2 shall cease the practice of medicine until a monitor is approved to provide monitoring  
3 responsibility.

4 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
5 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
6 are within the standards of practice of medicine and whether Respondent is practicing medicine  
7 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure  
8 that the monitor submits the quarterly written reports to the Board or its designee within 10  
9 calendar days after the end of the preceding quarter.

10 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
11 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
12 name and qualifications of a replacement monitor who will be assuming that responsibility within  
13 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
14 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
15 notification from the Board or its designee to cease the practice of medicine within three (3)  
16 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
17 replacement monitor is approved and assumes monitoring responsibility.

18 In lieu of a monitor, Respondent may participate in a professional enhancement program  
19 approved in advance by the Board or its designee that includes, at minimum, quarterly chart  
20 review, semi-annual practice assessment, and semi-annual review of professional growth and  
21 education. Respondent shall participate in the professional enhancement program at Respondent's  
22 expense during the term of probation.

23 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within  
24 seven (7) days of the effective date of this Decision, Respondent shall provide to the Board the  
25 names, physical addresses, mailing addresses, and telephone numbers of any and all employers  
26 and supervisors. Respondent shall also provide specific, written consent for the Board,  
27 Respondent's worksite monitor, and Respondent's employers and supervisors to communicate  
28 regarding Respondent's work status, performance, and monitoring.



1 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
2 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
3 privileges.

4 8. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit  
5 to biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
6 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
7 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
8 make daily contact with the Board or its designee to determine whether biological fluid testing is  
9 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
10 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at any  
11 time, including weekends and holidays. Except when testing on a specific date as ordered by the  
12 Board or its designee, the scheduling of biological fluid testing shall be done on a random basis.  
13 The cost of biological fluid testing shall be borne by the Respondent.

14 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
15 During the second year of probation and for the duration of the probationary term, up to five (5)  
16 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
17 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing  
18 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number of  
19 random tests to the first-year level of frequency for any reason.

20 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
21 approved in advance by the Board or its designee, that will conduct random, unannounced,  
22 observed, biological fluid testing and meets all of the following standards:

23 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
24 Association or have completed the training required to serve as a collector for the United  
25 States Department of Transportation.

26 (b) Its specimen collectors conform to the current United States Department of  
27 Transportation Specimen Collection Guidelines.

28 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published

1 by the United States Department of Transportation without regard to the type of test  
2 administered.

3 (d) Its specimen collectors observe the collection of testing specimens.

4 (e) Its laboratories are certified and accredited by the United States Department of Health  
5 and Human Services.

6 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
7 of receipt and all specimens collected shall be handled pursuant to chain of custody  
8 procedures. The laboratory shall process and analyze the specimens and provide legally  
9 defensible test results to the Board within seven (7) business days of receipt of the  
10 specimen. The Board will be notified of non-negative results within one (1) business day  
11 and will be notified of negative test results within seven (7) business days.

12 (g) Its testing locations possess all the materials, equipment, and technical expertise  
13 necessary in order to test Respondent on any day of the week.

14 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
15 for the detection of alcohol and illegal and controlled substances.

16 (i) It maintains testing sites located throughout California.

17 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
18 computer database that allows the Respondent to check in daily for testing.

19 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
20 access to drug test results and compliance reporting information that is available 24 hours a  
21 day.

22 (l) It employs or contracts with toxicologists that are licensed physicians and have  
23 knowledge of substance abuse disorders and the appropriate medical training to interpret  
24 and evaluate laboratory biological fluid test results, medical histories, and any other  
25 information relevant to biomedical information.

26 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
27 while practicing, even if the Respondent holds a valid prescription for the substance.

28 Prior to changing testing locations for any reason, including during vacation or other travel,

1 alternative testing locations must be approved by the Board and meet the requirements above.

2 The contract shall require that the laboratory directly notify the Board or its designee of  
3 non-negative results within one (1) business day and negative test results within seven (7)  
4 business days of the results becoming available. Respondent shall maintain this laboratory or  
5 service contract during the period of probation.

6 A certified copy of any laboratory test result may be received in evidence in any  
7 proceedings between the Board and Respondent.

8 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
9 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
10 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
11 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
12 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
13 provide medical services while the cease-practice order is in effect.

14 A biological fluid test will not be considered negative if a positive result is obtained while  
15 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
16 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

17 After the issuance of a cease-practice order, the Board shall determine whether the positive  
18 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
19 specimen collector and the laboratory, communicating with the licensee, his or her treating  
20 physician(s), other health care provider, or group facilitator, as applicable.

21 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
22 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

23 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
24 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
25 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
26 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

27 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
28 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the

1 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
2 any other terms or conditions the Board determines are necessary for public protection or to  
3 enhance Respondent's rehabilitation.

4 9. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty  
5 (30) days of the effective date of this Decision, Respondent shall submit to the Board or its  
6 designee, for its prior approval, the name of a substance abuse support group which he or she  
7 shall attend for the duration of probation. Respondent shall attend substance abuse support group  
8 meetings at least once per week, or as ordered by the Board or its designee. Respondent shall pay  
9 all substance abuse support group meeting costs.

10 The facilitator of the substance abuse support group meeting shall have a minimum of three  
11 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
12 or certified by the state or nationally certified organizations. The facilitator shall not have a  
13 current or former financial, personal, or business relationship with Respondent within the last five  
14 (5) years. Respondent's previous participation in a substance abuse group support meeting led by  
15 the same facilitator does not constitute a prohibited current or former financial, personal, or  
16 business relationship.

17 The facilitator shall provide a signed document to the Board or its designee showing  
18 Respondent's name, the group name, the date and location of the meeting, Respondent's  
19 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
20 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
21 or its designee, within twenty-four (24) hours of the unexcused absence.

22 10. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE.  
23 Within thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to  
24 the Board or its designee for prior approval as a worksite monitor, the name and qualifications of  
25 one or more licensed physician and surgeon, other licensed health care professional if no  
26 physician and surgeon is available, or, as approved by the Board or its designee, a person in a  
27 position of authority who is capable of monitoring the Respondent at work.

28 The worksite monitor shall not have a current or former financial, personal, or familial

1 relationship with Respondent, or any other relationship that could reasonably be expected to  
2 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
3 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
4 monitor, this requirement may be waived by the Board or its designee, however, under no  
5 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

6 The worksite monitor shall have an active unrestricted license with no disciplinary action  
7 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
8 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
9 by the Board or its designee.

10 Respondent shall pay all worksite monitoring costs.

11 The worksite monitor shall have face-to-face contact with Respondent in the work  
12 environment on as frequent a basis as determined by the Board or its designee, but not less than  
13 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
14 by the Board or its designee; and review Respondent's work attendance.

15 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
16 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
17 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
18 be made to the Board or its designee within one (1) hour of the next business day. A written  
19 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
20 any other information deemed important by the worksite monitor shall be submitted to the Board  
21 or its designee within 48 hours of the occurrence.

22 The worksite monitor shall complete and submit a written report monthly or as directed by  
23 the Board or its designee which shall include the following: (1) Respondent's name and  
24 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
25 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
26 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
27 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
28 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can

1 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
2 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
3 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

4 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
6 approval, the name and qualifications of a replacement monitor who will be assuming that  
7 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
8 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
9 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
10 practice of medicine within three (3) calendar days after being so notified. Respondent shall cease  
11 the practice of medicine until a replacement monitor is approved and assumes monitoring  
12 responsibility.

13 11. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE  
14 ABUSING LICENSEES. Failure to fully comply with any term or condition of probation is a  
15 violation of probation.

16 A. If Respondent commits a major violation of probation as defined by section  
17 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
18 one or more of the following actions:

19 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
20 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
21 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice order  
22 issued by the Board or its designee shall state that Respondent must test negative for at least a  
23 month of continuous biological fluid testing before being allowed to resume practice. For  
24 purposes of determining the length of time a Respondent must test negative while undergoing  
25 continuous biological fluid testing following issuance of a cease-practice order, a month is  
26 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
27 notified in writing by the Board or its designee that he or she may do so.

28 (2) Increase the frequency of biological fluid testing.

1 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
2 other action as determined by the Board or its designee.

3 B. If Respondent commits a minor violation of probation as defined by section  
4 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
5 one or more of the following actions:

6 (1) Issue a cease-practice order;

7 (2) Order practice limitations;

8 (3) Order or increase supervision of Respondent;

9 (4) Order increased documentation;

10 (5) Issue a citation and fine, or a warning letter;

11 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
12 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
13 Regulations, at Respondent's expense;

14 (7) Take any other action as determined by the Board or its designee.

15 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
16 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
17 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
18 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
19 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
20 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
21 is final, and the period of probation shall be extended until the matter is final.

22 12. NOTIFICATION. Within seven (7) days of the effective date of this  
23 Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief  
24 of Staff or the Chief Executive Officer at every hospital where privileges or membership are  
25 extended to Respondent, at any other facility where Respondent engages in the practice of  
26 medicine, including all physician and locum tenens registries or other similar agencies, and to the  
27 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage  
28 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within

1 15 calendar days.

2 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

3 13. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED  
4 PRACTICE NURSES. During probation, Respondent is prohibited from supervising physician  
5 assistants and advanced practice nurses.

6 14. OBEY ALL LAWS. Respondent shall obey all federal, state and local  
7 laws, all rules governing the practice of medicine in California and remain in full compliance  
8 with any court ordered criminal probation, payments, and other orders.

9 15. QUARTERLY DECLARATIONS. Respondent shall submit quarterly  
10 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
11 been compliance with all the conditions of probation.

12 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
13 of the preceding quarter.

14 16. GENERAL PROBATION REQUIREMENTS.

15 Compliance with Probation Unit

16 Respondent shall comply with the Board's probation unit.

17 Address Changes

18 Respondent shall, at all times, keep the Board informed of Respondent's business and  
19 residence addresses, email address (if available), and telephone number. Changes of such  
20 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
21 circumstances shall a post office box serve as an address of record, except as allowed by Business  
22 and Professions Code section 2021(b).

23 Place of Practice

24 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
25 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
26 facility.

27 License Renewal

28 Respondent shall maintain a current and renewed California physician's and surgeon's



1 license.

2 Travel or Residence Outside California

3 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
4 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
5 (30) calendar days.

6 In the event Respondent should leave the State of California to reside or to practice,  
7 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
8 departure and return.

9 17. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent  
10 shall be available in person upon request for interviews either at Respondent's place of business  
11 or at the probation unit office, with or without prior notice throughout the term of probation.

12 18. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the  
13 Board or its designee in writing within 15 calendar days of any periods of non-practice lasting  
14 more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-  
15 practice is defined as any period of time Respondent is not practicing medicine as defined in  
16 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month  
17 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If  
18 Respondent resides in California and is considered to be in non-practice, Respondent shall  
19 comply with all terms and conditions of probation. All time spent in an intensive training program  
20 which has been approved by the Board or its designee shall not be considered non-practice and  
21 does not relieve Respondent from complying with all the terms and conditions of probation.  
22 Practicing medicine in another state of the United States or Federal jurisdiction while on  
23 probation with the medical licensing authority of that state or jurisdiction shall not be considered  
24 non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-  
25 practice.

26 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
27 months, Respondent shall successfully complete the Federation of State Medical Boards' Special  
28 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program

1 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
2 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

3 Respondent's period of non-practice while on probation shall not exceed two (2) years.

4 Periods of non-practice will not apply to the reduction of the probationary term.

5 Periods of non-practice for a Respondent residing outside of California will relieve  
6 Respondent of the responsibility to comply with the probationary terms and conditions with the  
7 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
8 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
9 Controlled Substances; and Biological Fluid Testing.

10 19. COMPLETION OF PROBATION. Respondent shall comply with all  
11 financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to  
12 the completion of probation. Upon successful completion of probation, Respondent's certificate  
13 shall be fully restored.

14 20. VIOLATION OF PROBATION. Failure to fully comply with any term or  
15 condition of probation is a violation of probation. If Respondent violates probation in any respect,  
16 the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation  
17 and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
18 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
19 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
20 be extended until the matter is final.

21 21. LICENSE SURRENDER. Following the effective date of this Decision, if  
22 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
23 the terms and conditions of probation, Respondent may request to surrender his or her license.  
24 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
25 determining whether or not to grant the request, or to take any other action deemed appropriate  
26 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
27 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
28 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject

1 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
2 application shall be treated as a petition for reinstatement of a revoked certificate.

3 22. PROBATION MONITORING COSTS. Respondent shall pay the costs  
4 associated with probation monitoring each and every year of probation, as designated by the  
5 Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical  
6 Board of California and delivered to the Board or its designee no later than January 31 of each  
7 calendar year.

8  
9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
11 discussed it with my attorney, Courtney E. Pilchman. I understand the stipulation and the effect it  
12 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Medical Board of California.

15  
16 DATED: 8/1/17

  
17 JENNY REBECCA HARGROVE, M.D.  
Respondent

18 I have read and fully discussed with Respondent Jenny Rebecca Hargrove, M.D. the terms  
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
20 Order. I approve its form and content.

21 DATED: 8/1/17

  
22 COURTNEY E. PILCHMAN  
Attorney for Respondent

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated:

8/1/2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General



JOSHUA M. TEMPLET  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2016-027065**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 JOSHUA M. TEMPLET  
Deputy Attorney General  
4 State Bar No. 267098  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5529  
6 Facsimile: (415) 703-5480  
E-mail: Joshua.Templet@doj.ca.gov  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO JUNE 17, 2017  
BY *[Signature]* ANALYST

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-027065

13 **Jenny Rebecca Hargrove, M.D.**  
14 **San Juan Regional Medical Center**  
15 **801 West Maple Street**  
16 **Farmington, NM 87401**

**A C C U S A T I O N**

17 **Physician's and Surgeon's Certificate**  
18 **No. A 87959,**

19 Respondent.

20 Complainant alleges:

**PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about July 1, 2004, the Board issued Physician's and Surgeon's Certificate  
25 Number A 87959 to Jenny Rebecca Hargrove, M.D. (Respondent). The certificate is in delinquent  
26 status, having expired on July 31, 2016.

27 ///

28 ///

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 states:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

....

7. Section 141 states:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

8. Section 2305 states:

The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

**CAUSE FOR DISCIPLINE**

**(Discipline, Restriction, or Limitation Imposed by another State)**

9. On January 29, 2016, the New Mexico Medical Board filed a Notice of Contemplated Action against Respondent. The Notice of Contemplated Action charged Respondent with the following, based on her admitted habitual and excessive use of alcohol and use of Schedule I and Schedule II drugs without a prescription: (i) "habitual or excessive use of intoxicants or drugs;" (ii) "conduct likely to harm the public"; and (iii) "conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public." (Notice of Contemplated Action ¶ 2(B), ¶ 3.)

10. On June 9, 2016, the New Mexico Medical Board filed a First Amended Notice of Contemplated Action against Respondent, including the following additional charges:

- "Respondent gave incomplete and misleading information to the Board about her prior treatment for substance abuse . . . ." (First Amended Notice of Contemplated Action ¶ 2(A).)
- Respondent's admissions "indicate that her abuse of alcohol and/or drugs in the past has had an effect on Respondent's practice of medicine and constituted a threat to the public's health and welfare." (*Id.*, ¶ 2(B), ¶ 2(C).)
- In her May 2009, May 2012, and June 2015 license applications to the New Mexico Medical Board, Respondent submitted "materially false and misleading" information denying her substance abuse history. (*Id.*, ¶ 3(D)-(E), (H).)
- Respondent failed to report that her clinical privileges at San Juan Regional Medical Center were twice restricted, diminished, or surrendered, between July 2014 and November 2014. (*Id.*, ¶ 3(F)-G.)

11. On September 30, 2016, the New Mexico Medical Board and Respondent entered into a Stipulation of Licensure and Order ("New Mexico Stipulation and Order"). The New Mexico Stipulation and Order imposed discipline, restrictions, and/or limitations on Respondent's practice of medicine in New Mexico including, *inter alia*:

///



- “Respondent shall participate with the New Mexico Monitored Treatment Program until such time as the Board issues an order removing or amending the requirements of this mandate.” (New Mexico Stipulation and Order, p. 5., ¶ A.)
- “Respondent shall abstain completely from the use of mind-alternating substances, or alcoholic beverages, or controlled substances except as legitimately prescribed by a licensed physician . . . .” (*Id.*, pp. 2-3, ¶ 9(b).)
- “Respondent shall provide the Board written reports on a quarterly basis . . . attesting to her successfully [sic] compliance with this Stipulation and Order.” (*Id.*, p. 5, ¶ C.)

12. The New Mexico Stipulation and Order imposes these terms and conditions on Respondent for a minimum period of twelve months, after which she may petition to be released from the Stipulation and Order. (*Id.*, p. 6 ¶ F.)

13. The New Mexico Notice of Contemplated Action, First Amended Notice of Contemplated Action, and Stipulation and Order are attached as **Exhibit A** and incorporated herein.

14. Respondent’s conduct and the action of the New Mexico Medical Board as set forth above constitute unprofessional conduct within the meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).,

#### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 87959, issued to Jenny Rebecca Hargrove, M.D.;

2. Revoking, suspending or denying approval of Jenny Rebecca Hargrove, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

///


///

///

1           3.     Ordering Jenny Rebecca Hargrove, M.D., if placed on probation, to pay the Board the  
2 costs of probation monitoring; and

3           4.     Taking such other and further action as deemed necessary and proper.

4  
5 DATED: January 17, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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# **EXHIBIT A**



**New Mexico Medical Board**  
2055 S. Pacheco Street, Bldg. 400  
Santa Fe, NM 87505  
505-476-7220  
Fax: 505-476-7237

**October 26, 2016**

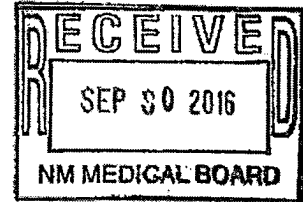
I, Sondra Frank, Executive Director of the New Mexico Medical Board, as a custodian of this record, certify that it is a true and exact copy of all public documents, accurately recorded, maintained and reproduced by this agency. The documents are in reference to:

***Jenny Hargrove, MD***  
***MD2009-0130***  
***Public Documents***

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the New Mexico Medical Board to be affixed, the day and year first above written.

SEAL

Sondra Frank, J.D.  
Executive Director  
Records Custodian



**BEFORE THE NEW MEXICO MEDICAL BOARD**

**IN THE MATTER OF  
JENNY REBECCA HARGROVE, M.D.** )

**License No. MD 2009-0130** )

**Respondent.** )

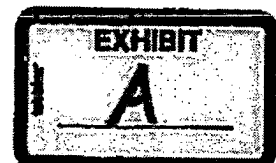
**Case No. 2016-016**

**STIPULATION OF LICENSURE AND ORDER**

This matter, having come before the New Mexico Medical Board ("Board"), on the joint motion of the Board's Administrative Prosecutor and the respondent Jenny Rebecca Hargrove, M.D. ("Respondent") being represented by Carmen Decker, Esq., regarding this Stipulation of Licensure and Order ("Stipulation and Order"), and the Board being fully advised, hereby finds, concludes and orders as follows:

**STIPULATED FINDINGS OF FACT**

1. Since 2009, Respondent has held a license to practice medicine as a physician in the State of New Mexico and is therefore subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, Chapter 61, Article 6 ("MPA"), the Uniform Licensing Act, NMSA 1978, Chapter 61, Article 1 ("ULA"), and certain Board-promulgated rules and regulations, Title 16, Chapter 10, NMAC.
2. The Board has authority to enter into this Stipulation of Licensure and Order pursuant to NMSA 1978, Section 61-6-15 and Board Rule 16.10.5.15 NMAC.
3. In June 2015, the Board conducted an investigation concerning Respondent.
4. At its regular meeting in August 2015, based on the investigation performed by the Board's staff and a recommendation by the Board's complaint committee, the Board resolved that Respondent should be offered an opportunity to voluntarily enter into a stipulation of licensure which



would require Respondent to successfully participate with New Mexico Monitored Treatment Program ("MPT").

5. In accordance with the Board's directive, a proposed stipulation was offered to Respondent; that proposed stipulation was not accepted by Respondent.

6. On January 29, 2016, the Board issued a Notice of Contemplated Action ("NCA") in Case No. 2015-024 to Respondent alleging violations of the Medical Practice Act, Chapter 61, Article 6, NMSA 1978. The NCA issued in Case No. 2015-024 was dismissed without prejudice on April 7, 2016.

7. On April 7, 2016, the Board issued an NCA to Respondent in this docket, Case No. 2016-016, alleging violations of the Medical Practice Act, Chapter 61, Article 6, NMSA 1978. On June 9, 2016, the Board's Hearing Officer issued an order permitting the amendment of the NCA, and the First Amended NCA was issued to Respondent on the same day.

8. Timely requests for hearing on the NCAs were received from Respondent.

9. Now, having consulted with legal counsel, the Respondent wishes to resolve this matter without further litigation. Therefore, without admitting any wrongdoing, Respondent agrees as follows:

- a. Respondent, who has already been participating with MTP on a voluntary basis, will enter into a treatment contract with, and as determined by, MTP on a mandatory basis within 30 days of the Board's acceptance of this Stipulation and Order, and will continue her successful participation with MTP until such time as the Board relieves her of this mandate;
- b. Respondent shall abstain completely from the use of mind-altering substances, or

alcoholic beverages, or controlled substances except as legitimately prescribed by a licensed physician;

c. Respondent will appear before the Board upon its request;

d. By signing this document, waives any right to confidentiality she may have with respect to information gathered by MTP as relates to this Stipulation and Order, and authorizes MTP to release any and all information to the Board may be held by MTP or any MTP-subcontracted service provider;

e. Respondent will provide the Board written reports on a quarterly basis on a form provided by Board staff, attesting to her successful compliance with this Stipulation and Order; and

f. Respondent will abide by all federal, state, and local laws.

10. By signing below, Respondent acknowledges that she has read this entire document and that she is aware of, and understands the contents of, this Stipulation and Order.

11. By signing below, Respondent confirms her understanding that any non-compliance with MTP's program or the terms and conditions described herein shall constitute a violation of this Stipulation and Order.

12. By signing below, Respondent confirms that she knows and understands the applicable statutory and regulatory provisions setting forth the authority and power of the Board, and that this proposed Stipulation and Order, if accepted by the Board, results in a waiver of her rights afforded by Board-promulgated rules, and by the ULA, MPA, and/or the Impaired Health Care Provider Act, including the right to a hearing on the NCA and the right to appeal this Board action.

13. By signing this Stipulation and Order, Respondent agrees with the foregoing findings and submits to the Board's imposition of terms and conditions described herein.
14. Respondent acknowledges and understands that this Stipulation and Order will not become effective until approved by the Board.
15. Respondent acknowledges and understands that the terms set forth in this Stipulation and Order are unique to the evidence in this matter, and shall have no precedential or binding effect on other Board proceedings.
16. By signing this Stipulation and Order, Respondent confirms that she understands this Stipulation and Order will be reported to the National Practitioner Data Bank and the Federation of State Medical Boards.
17. The terms set forth in this Stipulation and Order are in the best interest of the public's health, safety and welfare.
18. This Stipulation and Order reflects a negotiated settlement, and in the event that the Board or its Hearing Officer does not approve and adopt this document in its entirety and without modification, this Stipulation and Order shall be deemed withdrawn as of the date of any order rejecting the document as proposed.
19. Respondent acknowledges and understands that this Stipulation and Order contains the entire agreement of the parties hereto, and that there is no other agreement of any kind, verbal, written or otherwise.
20. By signing below, and in consideration of the Board's acceptance of this proposed Stipulation and Order, Respondent expressly waives and relinquishes all claims against the State of New



Mexico, the Board including its members, its employees, and its agents, arising under the United States Constitution; the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.; the Family and Medical Leave Act, 29 U.S.C. Sec. 2611 et seq.; the New Mexico Constitution; the ULA; the MPA; the IHCPA; and every other local, state, or federal law concerning rights or claims that the Respondent has ever had, or now has, against the State of New Mexico, including the Board, its members, its employees, and its agents.

#### **STIPULATED CONCLUSIONS OF LAW**

Pursuant to the above Stipulated Findings of Fact, the Board concludes as follows:

21. Respondent is subject to the jurisdiction of the Board pursuant to the MPA, ULA and Board rules and regulations found at Title 16, Chapter 10, NMAC.
22. The Board has authority to enter into this Stipulation of Licensure and Order.
23. The terms set forth in this Stipulation of Licensure and Order are in the best interest of the public's health, safety and welfare.

#### **ORDER**

Pursuant to the foregoing Stipulated Findings of Fact and Stipulated Conclusions of Law, the New Mexico Medical Board ORDERS as follows:

- A. Respondent shall participate with MTP until such time as the Board issues an order removing or amending the requirements of this mandate.
- B. Respondent shall appear before the Board upon its request.
- C. Respondent shall provide the Board written reports on a quarterly basis, on a form provided by Board staff, attesting to her successfully compliance with this Stipulation and Order;

- D. Respondent shall abide by all federal, state, and local laws.
- E. Respondent shall ensure that the Board is supplied with any and all documents or evidence that the Board, in its sole discretion, deems satisfactory evidence of Respondent's compliance with this Stipulation and Order.
- F. Respondent shall not petition the Board to be released from this Stipulation and Order for a period of twelve (12) months from the date of its approval by the Board, and the Board reserves the right to deny any request for release from this Stipulation at its sole discretion.
- G. In the event Respondent breaches any of the terms of this Stipulation of Licensure and Order, the Board may immediately and summarily suspend her license to practice as a physician in New Mexico pursuant to NMAC 16.10.5.15. Within 10 days of an immediate suspension, the Board shall issue a NCA, and Respondent will be entitled to a formal hearing in accordance with the ULA. The Board may issue a NCA upon a breach of any term without issuing an immediate suspension, and may further reassert any claims against Respondent as set forth in the original NCA as part of such subsequent NCA.
- H. Each breach of any term of this Stipulation of Licensure and Order shall constitute "unprofessional or dishonorable conduct" in a person licensed to practice medicine as described by NMSA 1978, Section 61-6-15(D)(29).
- I. This Stipulation of Licensure and Order, and any subsequent Board order enforcing or interpreting this Stipulation of Licensure and Order, will be reported to the National Practitioners Data Bank, the Federation of State Medical Boards, and shall be a public document available to the public for inspection.

Board taking any final action on this proposed Stipulation and Order.

K. Upon approval of the Board, this matter shall be closed and any formal proceedings scheduled on the NCA will be vacated.

**AGREED AND ACCEPTED BY THE RESPONDENT:**

  
Jenny Rebecca Hargrove, M.D.

**ACKNOWLEDGEMENT**

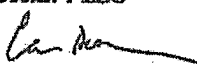
The foregoing was acknowledged before me this 02<sup>nd</sup> day of August 2016 by Jenny Rebecca Hargrove, M.D. in the County of La Plata, Colorado.  
Commission expires: 09-18-2018 Signed: Luis Fernando Mendoza Notary Public

[NOTARY SEAL]

LUIS FERNANDO MENDOZA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20344036368  
MY COMMISSION EXPIRES 09/18/2018

Approved as to form by:

Hershey Decker PLLC

By:   
Carmen N. Decker, Esq.  
10463 Park Meadows Drive, Suite 209  
Lone Tree, Colorado 80124  
Attorneys for Respondent

**REVIEWED, APPROVED AND ORDERED BY THE BOARD:**

The foregoing Stipulation of Licensure and Order is approved and made immediately effective on this 30<sup>th</sup> day of September 2016.

**REVIEWED, APPROVED AND ORDERED BY THE BOARD:**

The foregoing Stipulation of Licensure and Order is approved and made immediately effective on this 30<sup>th</sup> day of September 2016.

**NEW MEXICO MEDICAL BOARD**

By: Albert J. Bourbon  
Albert Bourbon, PA-C, Vice-Chair

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Stipulation of Licensure and Order was sent to Respondent and Respondent's Counsel via Certified Return Receipt USPS and electronic mail on September 30, 2016.

Jenny Hargrove, MD  
54 Turtle Meadows Drive  
Durango, CO 81301  
hargrovejen@hotmail.com

Carmen Decker, Esq.  
10463 Park Meadows Drive, Ste. 209  
Lone Tree, CO 80124  
carmen@hersheydecker.com

Hand Delivered

Thomas Banner, Esq.  
Thomas.banner2@state.nm.us



Samantha Breen

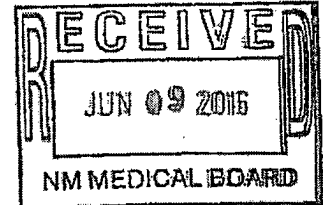
BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF )  
JENNY REBECCA HARGROVE, M.D. )

License No. MD 2009-0130 )

Respondent. )  
\_\_\_\_\_ )

Case No. 2016-016



**FIRST AMENDED NOTICE OF CONTEMPLATED ACTION**

YOU ARE HEREBY NOTIFIED that pursuant to provisions of NMSA 1978, Section 61-1-4 of the Uniform Licensing Act ("ULA"), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. The above-named Respondent is subject to action by the Board pursuant to provisions of the ULA and Chapter 61, Article 6, NMSA 1978, of the Medical Practice Act ("MPA").

2. This contemplated action is based on the following allegations:

A. On a June 2015 application to the Board for renewal of a medical license, Respondent answered "yes" to the following question: "17. Are you now, or were you in the past, addicted to, abusive of, or in treatment for abuse of any controlled substances, habit-forming drugs, illegal drugs, prescription medication or alcohol?" When asked to explain her answer to this question, Respondent gave incomplete and misleading information to the Board about her prior treatment for substance abuse; specifically, she admitted completing a 60-day treatment program in 2015, but failed to disclose another stint in an inpatient drug treatment facility in 2014.

B. In the course of investigating Respondent's June 2015 application for renewal, the Board learned that Respondent submitted to an assessment with New Mexico Monitored Treatment Program in May 2015 and admitted that she: used alcohol excessively and habitually; occasionally

used a Schedule II drug without a prescription; worked as a physician while hung-over; and consumed alcohol while performing patient-charting duties. Respondent's admissions to such behaviors indicate that her abuse of alcohol and/or drugs in the past has had an effect on Respondent's practice of medicine and constituted a threat to the public's health and welfare.

C. On May 11, 2016, during the course of discovery in this docketed case, the Board learned that in November 2014 Respondent admitted using alcohol excessively and/or habitually, and using a Schedule II drug without a prescription between 2009 and 2014.

D. After receiving the additional discovery on May 11, 2016, the Board's investigator reviewed Respondent's prior applications and found that information submitted to the Board in May 2009 was materially false and misleading. Specifically, when Respondent applied for initial and/or renewal of her license to practice medicine in the State of New Mexico in May 2009, she answered "no" to the following question: "17. Are you now, or were you in the past, addicted to, abusive of, or in treatment for the abuse of any controlled substances, habit-forming drugs, illegal drugs, prescription medication or alcohol?" By answering this question as she did, Respondent failed to disclose that she abused alcohol and a Schedule II drug in the past.

E. Similarly, when Respondent applied for renewal of her license in May 2012, she answered "no" to the following question: "17. Are you now, or were you in the past, addicted to, abusive of, or in treatment for the abuse of any controlled substances, habit-forming drugs, illegal drugs, prescription medication or alcohol?" By answering this question as she did, Respondent failed to disclose that she abused alcohol and a Schedule II drug in the past.

F. Also, as a result of the additional discovery obtained on May 11, 2016, the Board learned that between July and November 2014, Respondent's clinical privileges at San Juan Regional Medical Center were restricted, diminished or surrendered on two separate occasions. Respondent failed to report these events to the Board as required by 16.10.10.9 NMAC.

G. At the time Respondent applied for renewal of her license to practice medicine in the State of New Mexico in June 2015, she answered "no" to the following question: "10. a. Since your last renewal, have your privileges at any healthcare entity been voluntarily or involuntarily suspended, restricted, diminished, revoked, surrendered, or not renewed, except for medical records delinquency?" By answering this question as she did, Respondent failed to disclose that her clinical privileges at San Juan Regional Medical Center were restricted, diminished or surrendered on two separate occasions between July and November 2014.

H. At the time Respondent applied for renewal of her license to practice medicine in the State of New Mexico in June 2015, she answered "no" to the following question: "18. In the five (5) years prior to this application, have you had any physical injury or disease, or mental illness or impairment, which you are currently under treatment for or could reasonably be expected to affect your on-going ability to practice medicine safely and competently? If yes, please have your treating physician send the NM Medical Board a letter regarding your diagnosis and treatment." By answering this question as she did, Respondent failed to disclose that in the five (5) years prior to her application, Respondent had received outpatient and inpatient treatment on several occasions for one or more conditions that affected Respondent's ability to practice medicine safely and competently.

3. The allegations set forth in paragraphs 2(A) through paragraph 2(H), if proven, would violate the following provisions:

A. NMSA 1978, Section 61-6-15(D)(7), habitual or excessive use of intoxicants or drugs;

B. NMSA 1978, Section 61-6-15(D)(8), fraud or misrepresentation in applying for or procuring a license to practice medicine in this state or in connection with applying for or procuring renewal of a license to practice medicine in this state;

C. NMSA 1978, Section 61-6-15(D)(15), use of a false, fraudulent or deceptive



statement in a document associated with the practice of a license;

D. NMSA 1978, Section 61-6-15(D)(18), conduct likely to harm the public;

E. NMSA 1978, Section 61-6-15(D)(29), conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public;

F. Applicable Board rules found at Title 16, Chapter 10, NMAC including, but not limited to 16.10.10.9 NMAC which requires licensees to report adverse actions on clinical privileges, including the surrender or restriction of clinical privileges; and/or

G. Provisions of the Code of Medical Ethics of the American Medical Association (2014-2015 Ed.) as adopted by the Board at Rule 16.10.8.9 NMAC.

4. Please take notice that pursuant to NMSA 1978, Section 61-1-4 you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing.

If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, including retroactive revocation or suspension, and there will be no judicial review of their decision.

5. Pursuant to NMSA 1978, Section 61-1-8, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

6. The issuance of this Notice of Contemplated Action is not a disciplinary event reportable to any data bank but is a public document open to public inspection.

7. In the event that the Board takes a final action against you as specified in NMSA 1978, Section 61-1-3, you shall bear all costs of disciplinary proceedings pursuant to NMSA 1978, Section 61-1-4(G) unless excused by the Board.

Dated this 8<sup>th</sup> day of June, 2016.

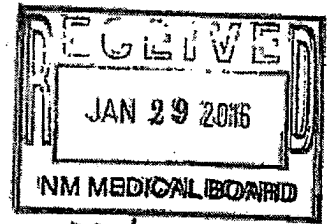
NEW MEXICO MEDICAL BOARD



Sondra Frank, Executive Director  
New Mexico Medical Board  
2055 South Pacheco Street, Building 400  
Santa Fe, New Mexico 87505  
Tel: 505-476-7220

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF )  
JENNY REBECCA HARGROVE, M.D. )  
 )  
License No. MD 2009-0130 )  
 )  
Respondent. )



Case No. 2015-024

**NOTICE OF CONTEMPLATED ACTION**

YOU ARE HEREBY NOTIFIED that pursuant to provisions of NMSA 1978, Section 61-1-4 of the Uniform Licensing Act ("ULA"), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. The above-named Respondent is subject to action by the Board pursuant to provisions of the ULA and Chapter 61, Article 6, NMSA 1978, of the Medical Practice Act ("MPA").
2. This contemplated action is based on the following allegations:
  - A. On a June 2015 application to the Board for renewal of a medical license, Respondent self-reported that she sought out treatment for substance abuse issues and entered into a voluntary treatment and participation contract with New Mexico Monitored Treatment Program ("MTP").
  - B. In the course of submitting to an MTP initial assessment in May 2015, Respondent admitted, among other things, that she: used alcohol excessively and habitually; occasionally used Schedule I and Schedule II drugs without a prescription; worked while hung-over; and consumed alcohol while performing patient-charting duties. These behaviors constitute a significant past history of habitual or excessive abuse of alcohol and/or drugs; have the potential to impact patient care; and finally, reflect that Respondent was and/or may constitute a threat to herself or the public.
3. The allegations set forth in paragraph 2B, if proven, would violate the following provisions

of the MPA:

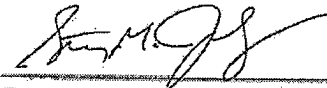
- A. NMSA 1978, Section 61-6-15(D)(7), habitual or excessive use of intoxicants or drugs;
  - B. NMSA 1978, Section 61-6-15(D)(18), conduct likely to harm the public; and/or
  - C. NMSA 1978, Section 61-6-15(D)(29), conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public.
4. Please take notice that pursuant to NMSA 1978, Section 61-1-4 you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, including retroactive revocation or suspension, and there will be no judicial review of their decision.
5. Pursuant to NMSA 1978, Section 61-1-8, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.
6. The issuance of this Notice of Contemplated Action is not a disciplinary event reportable to any data bank but is a public document open to public inspection.
7. In the event that the Board takes a final action against you as specified in NMSA 1978,

Section 61-1-3, you shall bear all costs of disciplinary proceedings pursuant to NMSA 1978,

Section 61-1-4(G) unless excused by the Board.

Dated this 29 day of January, 2016.

NEW MEXICO MEDICAL BOARD



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Steven Jenkusky, MD, Chair  
New Mexico Medical Board  
2055 South Pacheco Street, Building 400  
Santa Fe, New Mexico 87505  
Tel: 505-476-7220